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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/783,754      | 02/20/2004  | Randy Lee Rigel      | Rigel.R-01(IDG)     | 7405             |

22197 7590 12/22/2004

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| EXAMINER |
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COLETTA, LORI L

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| ART UNIT | PAPER NUMBER |
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3612

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/783,754

Applicant(s)

RIGEL, RANDY LEE

Examiner

Lori L. Coletta

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4 is/are allowed.
- 6) ☒ Claim(s) 5-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 05172004.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over in view of Kennedy 6,756,693 in view of Grove et al. 5,542,812.

Regarding claims 5 and 10, Kennedy '693 discloses a commercial truck apparatus (1) having a cab (7) and a flatbed (9), the improvement comprising a sleeper unit positioned to the rear of the cab in Figure 1.

However, Kennedy '693 does not show a picker crane mounted on a frame of the truck behind the sleeper unit (claim 5); and a lateral stabilizer positioned on at least one side of the picker crane (claim 10).

Grove et al. '812 teach a picker crane mounted on a frame of the truck behind the cab in Figure 1 (claim 5); and a lateral stabilizer positioned on at least one side of the picker crane in Figure 8 (claim 10).

Regarding claim 5, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the commercial truck apparatus of Kennedy '693 with a picker crane mounted on a frame of the truck behind the cab, as taught by Grove et al. '812, in order to provide a crane assembly to the commercial truck apparatus.

Art Unit: 3612

Regarding claim 10, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the commercial truck apparatus of Kennedy '693 with lateral stabilizer positioned on at least one side of the picker crane, as taught by Grove et al. '812, in order to prevent the truck apparatus from tilting or swaying when loads are handled by the picker crane.

Regarding claim 6, Kennedy '693, as modified, discloses the commercial truck apparatus (1), further comprising at least one auxiliary fuel tank (5) in Figure 1.

Regarding claim 7, Kennedy '693, as modified, discloses the commercial truck apparatus (1), wherein the at least one auxiliary fuel tank (5) is positioned below the sleeper unit in Figure 1.

Regarding claim 8, Kennedy '693, as modified, discloses the commercial truck apparatus (1), further comprising at least one auxiliary compartment (40) mounted lateral to the at least one auxiliary fuel tank (5) and below the sleeper unit in Figure 1.

Regarding claim 9, Kennedy '693, as modified, discloses the commercial truck apparatus (1), wherein the at least one auxiliary compartment provides an access door (50) from the side of the truck apparatus in Figure 2.

***Allowable Subject Matter***

3. Claims 1-4 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: The recitations of the specific features of the commercial truck apparatus in claim 1 including especially the construction of the sleeper unit positioned on, and supported by, the auxiliary fuel tank is not taught nor is fairly suggested by the prior art of record.

Art Unit: 3612

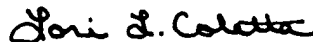
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references show several other commercial truck apparatuses similar to that of the current invention.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lori L. Coletta whose telephone number is (703) 306-4614. The examiner can normally be reached on Monday-Friday 6:00am-2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Lori L. Coletta  
Primary Examiner  
Art Unit 3612

llc  
December 16, 2004